

AFFIDAVIT OF SUITABLE SERVICE

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INDEX # 07CIV8150U S District COURT OF THE STATE OF NEW YORK
COUNTY OF Southern

Jeffrey Deskovic

- against -

City Of Peekskill Et Al

COCHRAN NEUFELD & SCHE
99 Hudson St
NEW YORK
NY 10013

(212) 965-9081

Atty File # 2340

Record # 104300

File # 41

STATE OF NEW YORK: COUNTY OF NASSAU: ss

Howard Kwastel Lic #0940927 being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York:

That on 10/12/07 at 12:20pm at 120 Bloomingdale Road White Plains Ny 10605 deponent served the within Summons & Complaint In A Civil Action on Millard Hyland C/O Stuart Kahan Oxman Tulis Kirkpatrick Whyatt & Geiger Llp recipient therein named.

After your deponent was unable with due diligence to serve the recipient in person, service was made by delivering a true copy thereof to and leaving with Stuart Kahan Co-Worker a person of suitable age and discretion at 120 Bloomingdale Road White Plains Ny 10605 said premises being the recipient's usual place of business within the State of New York.

Deponent completed service by depositing a copy of the Summons & Complaint In A Civil Action on 10/15/07 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Mailing was made to 120 Bloomingdale Road White Plains Ny 10605

Attempts:

A description of the person served on behalf of the defendant is as follows:

Approx Age: 64 Years Approx Weight: 205 Lbs. Approx Height: 5'10'
Sex: Male Color of Skin: White Color of Hair: Gray
Other: Glasses And Balding

Deponent spoke to Stuart Kahan - Co-Worker same as above,

confirmed the above address of defendant and asked whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependent of anyone in the military and received a negative reply and the defendant always wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

Sworn to before me this 10/15/07
Jeffrey Wittenberg #41-4906457Notary Public, State of New York
Nassau County, Commission Expires 08/22/10

Howard Kwastel Lic #0940927

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